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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,444	10/16/2003	Wendell B. Sander	034942-000292	1579

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EXAMINER

MOTTOLA, STEVEN J

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/688,444		SANDER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Steven J. Mottola		2817	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-46 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,23,29,30,34-37 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 24-28,31-33 and 38-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the parent application 09/637,269.

The disclosure is objected to because of the following informalities: the specification should identify at page 1 the parent application 09/637,269 with its updated status as US patent number 6,636,112.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 22,30,34 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsumura.

Refer to fig. 3 of Tsumura, the description of which begins at line 4 of col. 4 of the disclosure of Tsumura. Treating independent claims 22 and 34 first, a plurality of variable gain amplifier circuits 2-1,2-2,2-n may be read on the plurality of amplifiers claimed. The device of Tsumura is used in mobile communications so the input signal will be an RF signal. A control unit 5 that may be read as the magnitude driver claimed is responsive to an AGC signal C that may be read on the magnitude input signal claimed to provide gain control signals C1,C2,Cn to the amplifiers that may be read as the power level control signals claimed. Then combiner 3 may be read as the claimed summer. In regard to claim 30, separate control signals C1,C2,Cn are provided to each amplifier circuit. Regarding claim 36, DC power supply voltages Vcc1,Vcc2,Vccn are supplied to each amp and the power control signals are generated as described above. Regarding claim 37, Vcc1,Vcc2,Vccn are generated by converting the power supply voltage Vcc in power supply control units 4-1,4-2,4-n.

Claims 22,29 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sevic et al.

Refer to fig. 1 of Sevic et al. treating independent claims 22 and 34 first, a plurality of RF amplifiers 104 may be read as the like elements claimed. A control circuit 102 may be read as the claimed magnitude driver responsive to a mode select signal that may be read as the claimed magnitude input signal to provide control signal Vc to the amplifiers. The node interconnecting the amplifier outputs may be read as the

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claimed summer. Regarding claim 29, the power control signals to each amp derive from a common signal Vc.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 23,35 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevic et al. in view of Dent et al.

The difference added by claims 23 and 35 over Sevic et al. is that the input signal is phase modulated, and by claim 43 that the amplifiers are switch mode type, and in claims 44-46 class D,E or F respectively. Sevic et al. state at col. 3, lines 54-56 that their invention is not limited by the specific construction of amplifier stages 104; Dent et al. disclose a plural channel RF amplifier system wherein the amplifiers (12 in fig. 1 for instance) would appear to be switching amplifiers from the statement at col. 2, lines 43-

45 of Dent et al. It would have been obvious to utilize such amplifiers in the circuit of Sevic et al. as both inventions are plural channel RF amplifier circuits but the specific amplifier type in Sevic et al. is not specified so that the use of a known type would have been expedient. This would meet the limitation of claim 43; the specific class of switching amplifier of claims 44-46 are used interchangeably by the applicant and all are conventional types of switching amplifiers. Since Dent et al. do not specify a particular class of switching amplifier the use of a known type would have been obvious. Regarding claims 23 and 35, the input signal to the amplifiers in Dent et al. is phase modulated.

Claims 24-28,31-33 and 38-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The specific power controller configuration of claim 24, the regulation of claim 38 and the switch mode supply of claim 39 are not disclosed in the prior art of record in the context claimed. Other objected claims depend ultimately from those enumerated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Mottola whose telephone number is 571-272-1766. The examiner can normally be reached on M-Th from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal, can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Steven J. Mottola", is positioned above the printed name and title.

**Steven J. Mottola**  
**Primary Examiner**